

United States Bankruptcy Court  
Eastern District of New York

In re:  
Michael J. Tulchiner  
Debtor

Case No. 23-70736-ast  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0207-8  
Date Rcvd: Mar 17, 2023

User: admin  
Form ID: pdfall

Page 1 of 2  
Total Noticed: 12

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 19, 2023:**

Recip ID	Recipient Name and Address
db	+ Michael J. Tulchiner, 2661 Rachel Street, Bellmore, NY 11710-5413
10163438	Ainsworth Gorkin PLLC, POB 605, New York, NY 10038
10166258	+ Commissioner of the New York State Department of T, Josh Russell, Esq., District Tax Attorney, 250 Veterans Highway, Hauppauge, NY 11788-5500
10163440	#+ Fundamental Capital LLC, 100 Garden City Plaza, Ste. 410, Garden City, NY 11530-3216
10163441	+ Mall 1-Bay Plaza LLC, 546 Fifth Ave, 15th Flr, New York, NY 10036-5000
10163443	+ Oved & Oved LLP, 401 Greenwich Street, New York, NY 10013-2326
10163444	+ Silverline Services, Inc., 1334 Peninsula Blvd., Ste. 160, Hewlett, NY 11557-1226
10163445	+ Zachter PLLC, 2 University Plaza, Ste. 205, Hackensack, NJ 07601-6211

TOTAL: 8

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
10163439	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 17 2023 18:19:00	Centralized Insolvency Operation, Post Office Box 7346, Philadelphia, PA 19101-7346
10163442	Email/Text: nys.dtf.bncnotice@tax.ny.gov	Mar 17 2023 18:19:00	NYS Dept of Tax And Finance, Bankruptcy Section, PO Box 5300, Albany, NY 12205-0300
10164337	Email/Text: nys.dtf.bncnotice@tax.ny.gov	Mar 17 2023 18:19:00	New York State Department of Taxation & Finance, Bankruptcy Section, P O Box 5300, Albany New York 12205-0300
10166087	+ Email/Text: nys.dtf.bncnotice@tax.ny.gov	Mar 17 2023 18:19:00	New York State Department of Taxation and Finance, 250 Veterans Hwy, Hauppauge, NY 11788-5500, Attn: Josh Russell

TOTAL: 4

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		New York State Department of Taxation and Finance

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

District/off: 0207-8  
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Page 2 of 2  
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**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 19, 2023

Signature: /s/Gustava Winters

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## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 17, 2023 at the address(es) listed below:**

Name	Email Address
Gerard R Luckman, Esq.	gluckman@forchellilaw.com
Josh Russell	on behalf of Creditor New York State Department of Taxation and Finance josh.russell@tax.ny.gov
Norma E Ortiz	on behalf of Debtor Michael J. Tulchiner email@ortizandortiz.com ortiznoticeme@gmail.com;bkcourt@gmail.com;ortiznr70019@notify.bestcase.com;nicolas@ortizandortiz.com
United States Trustee	USTPRegion02.LI.ECF@usdoj.gov
William J. Birmingham	william.birmingham@usdoj.gov

TOTAL: 5

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

Michael J. Tulchiner,  
aka Michael Jay Tulchiner,  
aka Michael Tulchiner,  
dba Law Office of Michael J. Tulchiner.

Case No.: 23-70736-AST

Debtor.

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**SUBCHAPTER V OF CHAPTER 11 ORDER SETTING: (A) INITIAL  
CASE MANAGEMENT CONFERENCE; (B) CLAIMS BAR DATE; (C) 11 U.S.C.  
§1188 CONFERENCE; (D) DEADLINE FOR ELECTION UNDER 11 U.S.C.  
§1111(b)(2); AND (E) OTHER DEADLINES**

Michael J. Tulchiner (the "Debtor"), on March 3, 2023, having filed a petition for reorganization under subchapter V of chapter 11 of title 11 of the United States Code, and the Court having determined that (i) an Initial Case Management Conference will aid in the efficient conduct and proper administration of the case and (i) an Order setting the date on which the 11 U.S.C. § 1188 Conference shall be held and setting other deadlines required to be met under subchapter V of chapter 11 should be entered, it is hereby

**ORDERED**, that pursuant to 11 U.S.C. §§ 105(d) and 1188, to further the expeditious and economical resolution of this case, an Initial Case Management Conference and the § 1188 Status Conference (the "Conference") will be held by the undersigned Bankruptcy Judge at United States Bankruptcy Court, Eastern District of New York, Courtroom 960, 290 Federal Plaza, Central Islip, New York 11722, on **April 5, 2023, at 10:30 A.M.** (Prevailing Eastern Time); Debtor, Debtor's counsel and the subchapter V case trustee (the "SubV Trustee") shall appear; and it is further

**ORDERED**, that the Conference will be held virtually on the Zoom platform (registration instructions for participation on the Zoom platform are available on the Court's website at

<https://www.nyeb.uscourts.gov/node/2126>; and it is further

**ORDERED**, that Debtor shall be prepared to address each of the following matters at the Conference:

1. the Debtor's eligibility to be a debtor under subchapter V of Chapter 11;
2. the nature of the Debtor's commercial or business activity and the reason for the subchapter V Chapter 11 filing;
3. compliance with 11 U.S.C. §§ 1116(2),(3),(4),(5),(6) and (7);

4. compliance with 11 U.S.C. §308;
5. the Debtor's financial condition, including post-petition operations and revenue;
6. debtor-in-possession financing;
7. the use of cash collateral;
8. any significant motions which the Debtor anticipates bringing before the Court including, but not limited to, sale motions;
9. matters relating to the retention of professionals (including any brokers or appraisers);
10. the status of any litigation involving the Debtor;
11. the status of the Debtor's insurance;
12. the status of opening debtor-in-possession bank account(s) and closing pre-petition bank account(s);
13. deadlines for the filing of a plan;
14. the use of alternative dispute resolution, if appropriate;
15. the scheduling of additional Case Management Conferences; and
16. any other case administrative matters, and it is further

**ORDERED**, that the SubV Trustee may attend the Conference and any adjourned Conference by phone; and it is further

**ORDERED**, that the Debtor shall file with the Court, and serve upon the Office of the United States Trustee, and the SubV Trustee, monthly operating reports during the pendency of this case; that the operating reports shall be in the form prescribed by the Office of the United States Trustee's Operating Guidelines and Reporting Requirements for Debtors-in-Possession and Trustees for cases pending in this District; and that the operating reports shall be served and filed on or before the 21st day of the month following the reporting period, and in the case of the initial operating report if the order for relief is within the first fifteen (15) days of a calendar month, the report shall be filed for the portion of the month that follows the order for relief, and if the order for relief is after the 15<sup>th</sup> day of a calendar month, the period for the remainder of the month shall be included in the report for the next calendar month; and it is further

**ORDERED**, that within seven (7) days following entry of the order for relief, the Debtor shall have served notice of the commencement of this case to any entity known to be holding money or property subject to withdrawal or order of the Debtor (Fed. R. Bankr. P. 2015(a)(4); and it is further

**ORDERED**, that pursuant to 11 U.S.C. §§ 1187(a), 1116(1)(A), and 1116(1)(B), the Debtor shall file and serve the following documents with the petition for relief:

- a. Debtor's most recent balance sheet;
- b. Debtor's most recent statement of operations;
- c. Debtor's cash-flow statement; and
- d. Debtor's most recent federal income tax return; and

the Debtor shall have filed and served any such documents not filed with the petition within seven (7) days following entry of the order for relief; and if the Debtor has not prepared one or more of the foregoing documents or, in the case of a federal income tax return, has not filed such a return, then in lieu of such document(s) and/or return, the Debtor shall within seven (7) days following entry of the order for relief file a declaration attesting to that fact under penalty of perjury; and it is further

**ORDERED**, except as provided in Fed. R. Bankr. P. 3002(c), creditors other than governmental units shall file proof of their claim or interest on or before **May 12, 2023**, and 11 U.S.C. § 502(b)(9) and Fed. R. Bankr. P. 3002(c)(1) shall govern the timing of the filing of proof of claims by governmental units;

**ORDERED**, that on or before **March 22, 2023**, Debtor shall file the report required by 11 U.S.C. § 1188(c) which "details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization," and the Debtor shall serve said report on the subchapter V case trustee, the United States Trustee, and all parties in interest; and it is further

**ORDERED**, that on or before **June 1, 2023**, the Debtor shall file and serve a plan, (11 U.S.C. § 1189(b)) and such plan shall conform to the requirements of 11 U.S.C. §§ 1190 and 1191, along with the applicable provisions of 11 U.S.C. §§ 1123 and 1129 and, unless otherwise ordered, the Debtor shall use Official Form 425; and it is further

**ORDERED**, that any secured creditor that wishes to make an election under 11 U.S.C. § 1111(b)(2), shall do so no later than **ten (10) days** following the filing of the plan; and it is further


**ORDERED**, that failure to comply with this Order may result in the imposition of sanctions against the Debtor or Debtor's counsel, and in the Court's discretion, these sanctions might include, but are not limited to, conversion or dismissal of this case, and/or monetary sanctions and, in addition, any unexcused failure to attend any Conferences or to otherwise comply with this Order may constitute cause for conversion of this case to

Chapter 7 or dismissal of this case pursuant to 11 U.S.C. § 1112; and it is further

**ORDERED**, that the Clerk of Court give notice of this Order to the Debtor, its counsel, the United States Trustee, the SubV Trustee and all creditors and parties in interest.

Dated: March 17, 2023  
Central Islip, New York



  
Alan S. Trust  
Chief United States Bankruptcy Judge